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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DANIEL T. COLBERT et al.

Serial No.: 10/038,204

Filed: December 21, 2001

For: METHOD FOR FORMING AN
ARRAY OF SINGLE-WALL CARBON
NANOTUBES AND COMPOSITIONS
THEREOF

Art Unit: 1754

Examiner: Lish, Peter J.

CITATION OF PRIOR ART

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

In regards to the above-identified application, it is respectfully requested that the Examiner consider each relevant prior art listed below during the examination:

1. Japanese Patent Application Laid-Open (Kokai) No. H06-331309 published in Japan on December 2, 1994;
2. Japanese Patent Application Laid-Open (Kokai) No. H06-252056 published in Japan on September 9, 1994;
3. Japanese Patent Application Laid-Open (Kokai) No. H07-122198 published in Japan on May 12, 1995;
4. Article titled, "Imaging steep, high structures by scanning force microscopy with electron beam deposited tips" by David J. Keller, et al., pages 333-339 in the *Surface Science* magazine published by Elsevier Science Publishers B.V. in 1992 in Holland;
5. Article titled, "New Scanning tunneling microscopy tip for measuring surface topography" by Y. Akama, et al., pages 429-433 in *Vac. Sci. Technol. A* 8 published by American Vacuum Society in 1990;

Adjustment Date: 09/15/2005 SDIRETA1
10/28/2004 CSIAS1 00000005 111445 10038204
01 FC:1806 180.00 CR

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In re application of:
Daniel Colbert et al.
Serial No: 10/038,204
Filed: December 21, 2001
For: METHOD FOR FORMING AN
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CARBON NANOTUBES AND
COMPOSITIONS THEREOF

Art Unit: 1754
Examiner: LISH, PETER J

REQUEST FOR REFUND

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Upon review of the Monthly Statement of Deposit Account of 10-29-04 (copy enclosed) error was found. In particular, a fee of \$180.00 for application serial No. 10/038,204 for submission of an Information Disclosure Statement (fee code 1806) was charged to Koda & Androlia Deposit Account No. 11-1445 in error.

Applicant respectfully submits that the above-identified patent application serial No. 10/038,204 does not match Applicant's records. Moreover, as can be seen from the attached U.S. Patent Application Publication No. 2002/0088938, application serial No. 10/038,024 appears to belong to Hugh R. Kress of Houston, TX. Accordingly, it is believed that this fee of \$180.00 should be charged to Hugh R. Kress.

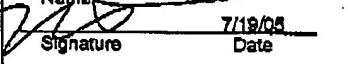
It is therefore respectfully requested that the fee of \$180.00 be credited to the account of the undersigned, namely Koda & Androlia Deposit Account No. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

By: 
William L. Androlia
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Name: <u>William L. Androlia</u>	
Signature: 	Date: <u>7/19/05</u>

JUL. 19. 2005 3:54PM KODA & ANDROLIA

NO. 388 P. 3



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KODA & ANDROLIA

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KODA & ANDROLIA

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10 6 04	4	10134218	07A 3266	2202	18.00	13502.90
10 8 04	20	09423792		1251	110.00	13392.90
10 8 04	45	10959242		9204	-3.00	13395.90
10 13 04	209	76505658	02L683	6001	335.00	13060.90
10 14 04	467	10510887	125A 3645 PCT	1616	1.00	13059.90
10 18 04	2	10342847	174A 3369	2253	475.00	12584.90
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10 18 04	19	6229903		1551	470.00	11729.90
10 19 04	10	6211895		9204	-910.00	12639.90
10 25 04	5	10181140	YK1-0107	2251	55.00	12584.90
10 25 04	275	76113474	250L 583	7004	450.00	12134.90
10 26 04	2	09870279	211A3123	1251	110.00	12024.90
10 26 04	3	10498412		9204	-80.00	12104.90
10 27 04	3	09882945	04A3093	1253	980.00	11124.90
10 27 04	7	10387904	04A 3307	1801	790.00	10334.90
10 28 04	5	10038204	11321-P11	1806	180.00	10154.90

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COVER ALL SERVICES REQUESTED

OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
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1,250.00	1,250.00	993.00	10154.90
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PAGE 3/4 * RCVD AT 7/19/2005 6:54:04 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/31 * DNI:2736500 * CSID: * DURATION (mm:ss):01:08 *ATES OVERDRAWN

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6. Article titled, "Atomic force microscopy using ZnO whisker tip" by H. Kado, et al., pages 3330-3332 in *Rev. Sci. Instrum* 63 published by American Institute of Physics in 1992;
7. Article titled, "Helical microtubules of graphitic carbon" by Sumio Iijima, pages 56-58 in the *Nature* magazine Vo. 354 published in 1991;
8. Article titled, "Single-shell carbon nanotubes of 1-nm diameter" by Sumio Iijima et al., pages 603-605 in the *Nature* magazine Vo. 363 published in 1993;
9. Article titled, "Aligned Carbon Nanotube Arrays Formed by Cutting a Polymer Resin-Nanotube Composite" by P.M Ajaya, et al., pages 1212-1214 in the *SCIENCE* magazine Vo. 265 published in 1994; and
10. Article titled, "Aligned Carbon Nanotube Films: Production and Optical and Electronic Properties" by Walt A. de Heer, et al., pages 845-847 in the *SCIENCE* magazine Vo. 268 published in 1995.

The concise explanation of the relevance of each listed item is provided below:

The prior art 1 discloses a cathode (a probe for scanning tunneling microscope (STM)) provided with a carbon nanotube and describes that the carbon nanotube has the nature of metals or semiconductors. It has been known that the movement of such a carbon nanotube cathode is controlled by a piezoelectric element.

The prior art 2 discloses a method that positionally fixes a carbon nanotube by certain materials on a substrate; and if the materials are of electrically conductive, then an electrode can be formed at the end of a carbon nanotube.

The prior art 3 discloses forming of electrodes at both ends of a carbon nanotube. More specifically, this prior art discloses a method that allows metal-organic gas to flow to both ends of a carbon nanotube, thus decomposing the ends by electron beam and forming copper films, which act as electrodes, on the ends. It describes that the carbon nanotube has the nature of metals or semiconductors.

The prior art 4 discloses forming of a probe by way of irradiating electron beam to a cantilever which is for a scanning force microscope (an atomic force microscope (AFM))

within a scanning type electronic microscope, thus allowing carbon tips to be deposited and grow, and forming a probe used in a scanning force microscope (atomic force microscope (AFM), a scanning tunneling microscopes (STM), etc.

The prior art 5 discloses that electron beam is irradiated, within a scanning electron microscope (SEM), to a tip used in a scanning tunneling microscope (STM), thus decomposing residual gas and allowing amorphous tip comprising carbon and oxygen to be deposited and grows on the tip. The resultant is called an electron-beam deposited tip (EBD tip), which is used as a scanning tunneling microscope (STM) tip.

The prior art 6 discloses that ZnO, which is a whisker crystal of a tetrapodal structure, is deposited and grows on the surface of the tip end of a cantilever, thus forming an atomic force microscope (AFM) tip. Making an improvement in the accuracy of atomic force microscopes (AFM) and scanning tunneling microscopes (STM) by way of connecting a fine needle to a cantilever had been generally known at the time of filing of the present application.

The prior art 7 is the first published article on multi layered carbon nanotubes (MWCN).

The prior art 8 is the first published article on single layered carbon nanotubes (SWCN).

The prior art 9 discloses a method that, with an ablation method, produces a carbon nanotube aggregation that includes a multiple carbon nanotubes arranged in parallel from a mixed composition of organic resins and carbon nanotubes. Epoxi resins are described as an organic resin that is used. It is thus easy and obvious to those skilled in the art to fix a parallel carbon nanotube aggregation on the surface of a cantilever by resin coating.

The prior art 10 discloses that a multiple numbers of nanotubes are, as seen from Figure 2, arranged in parallel and then in vertical. It is thus easy and obvious to those skilled in the art to fix vertical or parallel carbon nanotube aggregation on the surface of a cantilever by

resin coating. It is further a known fact to those skilled in the art, with the use of such tips, to make a physical measurement of a substance optically, electronically, magnetically, etc.

A listing of the patents and publications relied upon, a copy of each listed patent or publication, and an English translation of all the necessary and pertinent parts of non-English language patent or publication are attached; and the present Citation of Prior Art is submitted in duplicate.

In view of the above, it is respectfully requests that the above listed patents and publications are entered and considered.

Please charge any addition costs incurred to Koda & Androlia Deposit Account 11-1445.

Respectfully Submitted,


By: _____
William L. Androlia
Reg. No. 27,177

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Fax: 310-277-4118

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on	
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Name	
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